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REMARKS

Claims 1-24 of the application stand rejected.   Applicants respectfully request reconsideration of pending Claims 1-24 in light of the remarks herein.

35 U.S.C. §103

Claims 1-24 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of Matsuda, U.S. Patent No. 6,346,956 ("Matsuda") in view of Cheng, U.S. Patent No. 56,396,509 ("Cheng"). Applicants respectfully traverse the Examiner's rejection.

Matsuda describes a three dimensional virtual reality space display processing apparatus, method and information providing medium while Cheng describes attention-based interaction in a virtual environment. The Examiner concedes that Matsuda does not teach the method of determining distances between the objects and a point in virtual three-dimensional space or the prioritization of the objects based on distances and identities of the objects and then selecting the target object from among the objects based on priority. The Examiner suggests, however, that it would have been obvious to one of ordinary skill in the art to combine the teachings of Matsuda with Cheng to do so. Applicants respectfully disagree.

First, Applicant submits that the references cannot be combined in the manner suggested by the Examiner. The mere fact that both the references relate to virtual space does not render the combination obvious. In other words, the fact that the combined references *may* provide a benefit does not render the combination of the references obvious or proper. As set out in M.P.E.P. § 706.02(j), "(t)here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Applicant respectfully submits that there is no such motivation.

The Examiner states, without support, that it would have been obvious to combine Matsuda with Cheng to render other elements of the claimed invention unpatentable. The Examiner gives no explanation as to the motivation to combine these references other than the fact that the combination would "create a method in which distance information

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between objects is maintained for tracking purposes and selection purposes based on selectivity/priority". Applicants respectfully submit that this does not suggest a motivation, merely a result. There is not teaching in either Matsuda or Cheng to actually suggest this combination. As previously stated, the mere fact that the combination *may* provide an advantage does not prima facie mean that the combination is obvious. More importantly, there is no teaching in either reference to suggest that it would have been obvious to one of ordinary skill in the art to combine the references in the manner described by the Examiner. Applicants therefore respectfully submit that the combination of these references is improper and respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to Claims 1-24.

Even assuming arguendo these references were properly combined, Applicants respectfully submits that the combination of Matsuda and Cheng does not render Claims 1-24 unpatentable. As previously stated, the Examiner concedes that Matsuda does not teach the method of determining distances between the objects and a point in virtual three-dimensional space or the prioritization of the objects based on distances and identities of the objects and then selecting the target object from among the objects based on priority. The Examiner suggests that Cheng teaches these elements. Specifically, the Examiner submits that Cheng, Col. 7, line 63 – Col. 8, line 14 teaches these elements not taught by Matsuda. Applicants respectfully disagree.

Cheng, Col. 7 line 63 – Col. 8, line 14 reads as follows:

"The attention component 52 is associated with one or more senses. (Examples of typical senses include sight and hearing.) As to a particular sense, the attention component has an attention space. That space's sense space 56 preferably is used to control the objects that the participant/avatar is enabled to perceive (e.g., via rendering) within the environment. In turn, that space's focus space 58 preferably is used to determine the prospective partners (e.g., avatars and/or other virtual objects) with which the participant's avatar is enabled to interact spontaneously (e.g., through focus). In that interaction, the prospective partners preferably are those avatars and other objects that are perceivable via the sense space 56 and resident in the focus space 58. In FIG. 1b, avatars 17a-c are all within the attention space 55 of avatar 18, but (i) only avatars 17a and 17b are in the attention sense space 56 of avatar 18 and (ii) only avatar 17a is also in the attention focus space 58 of avatar 18. (As described further hereinafter, the two spaces also preferably contribute to priority-based rendering of avatars and other virtual objects.)"

Applicants fail to see how this section teaches or suggests the claimed element of "*determining distances* between the objects and a point in virtual three-dimensional space", as claimed. There is also no teaching or suggestion in this section of

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prioritization based on *distance and identities*, or *selecting target objects based on priority*. Applicant respectfully submits that this section of Cheng makes no reference to determining distances between the objects and a point in virtual three-dimensional space, or prioritization of the objects based on distance and identities. Neither is there any teaching about selecting target objects based on the determined priority. Applicants therefore submit that the combination of Matsuda and Cheng do not teach of suggest at least these features of the independent claims. Similarly, for at least this reason, the references cannot render all claims dependant on these independent claims unpatentable. In addition, many of the dependant claims include the aspect of "link" and "non-link" objects, which are not taught by either Matsuda or Cheng, alone or in combination. Applicants therefore respectfully request the Examiner to withdraw the rejection to Claims 1-24 under 35 U.S.C. §103.

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CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-24 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 669-1261.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

Dated: August 23, 2005

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